

FILE # ML - 39703-97  
I.D. # 39703



RQ-972

**TOM HAYWOOD**  
**DISTRICT 30**

COMMITTEES:

ECONOMIC DEVELOPMENT  
EDUCATION  
NATURAL RESOURCES  
• SUBCOMMITTEE ON AGRICULTURE, CHAIRMAN  
NOMINATIONS

**The Senate of  
The State of Texas**

CAPITOL OFFICE:  
P.O. Box 12068  
Austin, Texas 78711  
512/463-0130  
TDD 1-800-735-2989

July 30, 1997

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AUG 01 1997

GOVERNMENTAL INQUIRY  
UNIT

The Honorable Dan Morales  
Texas State Attorney General  
P.O. Box 12548  
Austin, Texas 78711

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AUG 07 1997

Dear General Morales:

Opinion Committee

I would like to request an opinion on the constitutionality of Senate Bill 149, 75th Regular Session, in light of the *Perry v. Sindermann* decision (408 U.S. 593), as it affects the right to due process and free speech. Of concern is whether SB 149 provides for the taking of a property interest (i.e., tenure) and permits tenure revocation based on statements made by faculty members.

Additionally, I would also request an opinion on the latitude of university regents to alter system policy in such a manner that would facilitate the termination of tenured faculty. For instance, the concern has been raised that faculty handbooks will be altered in such a manner to provide for the review and dismissal of tenured faculty, for a variety of reasons, independent of the provisions established in SB 149. An example brought to my attention involves subjecting faculty members to disciplinary proceedings for making statements that interfere with their academic duties. Another example brought to my attention would permit disciplinary action against a faculty member, including revocation of tenure, for conduct for which the faculty member had been exonerated by a court.

I appreciate your assistance in this matter. Should your staff have any questions, please have them contact Mike Geeslin of my staff at 463-0130.

Sincerely,

Tom Haywood

